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ECHOSTAR SATELLITE LLC AND
ECHOSTAR TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. 05-CV-1114 JW **DECLARATION OF JASON A. CROTTY IN SUPPORT OF ECHOSTAR'S OPPOSITION TO ACACIA'S MOTION FOR RECONSIDERATION AND CLARIFICATION OF THE JULY 12, 2004 MARKMAN ORDER** Date: September 8-9, 2005 Time: 9:00 a.m. Courtroom: 8, 4th Floor Judge: Hon. James Ware

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I, JASON A. CROTTY, declare and state:

1. I am an associate at Morrison & Foerster LLP, and counsel of record for defendants EchoStar Satellite LLC and EchoStar Technologies Corporation in this case. Unless otherwise stated, I have personal knowledge of the matters stated below and, if called as a witness to testify could and would do so. I make this declaration in support of Echostar's Opposition to Acacia's Motion for Reconsideration and Clarification of the July 12, 2004 *Markman* Order.

2. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent No. 6,144,702, issued on November 7, 2000.

3. Attached hereto as Exhibit B is a true and correct copy of this Court's *Markman* Order dated July 12, 2004, and filed in *Acacia Media Technologies Corp. v. New Destiny Internet Group, Inc., et al.,* No. 02-1040 (C.D. Cal.) ("*New Destiny* Cases").

4. Attached hereto as Exhibit C is a true and correct copy of the Declaration of S. Merrill Weiss in Support of Acacia's Opposition to Motion for Summary Judgment, dated October 20, 2004, and filed in the *New Destiny* Cases.

5. Attached hereto as Exhibit D is a true and correct copy of the Declaration of Peter Alexander in Support of Acacia's Opposition to Motion for Summary Judgment, dated October 20, 2004, and filed in the *New Destiny* Cases.

6. I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct and that this declaration was executed on August 25, 2005 in San Francisco, California.

/s/
Jason A. Crotty